



Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

DECEMBER 14, 2016

Town Council Chambers, 350 East Main Rd., Middletown, RI

Board members present:

Art Weber, Chair
John Ciummo, Vice Chair
Matthew Sullivan, Secretary
Paul Croce
Jan Eckhart
Bill Nash
Liz Drayton

Ron Wolanski, Planning Director
Peter Regan, Town Solicitor
Christopher McNally, Assistant Solicitor

The meeting was called to order by Mr. Weber at 6:45pm.

- 1. Request of the Zoning Board of Review for an advisory recommendation on a petition of William & Elizabeth Gill & David Lawrence on an application for a special use permit to allow proposed development of a 36-unit Senior Independent Living Facility in Zone 1 of the Watershed Protection District pursuant to sections 1106 and 2202 of the Middletown Zoning Ordinance. Property located at 1 Thelma Lane, Plat 111, Lots 14, 23 & 23B.**

By consensus of the Board and with the agreement of the applicant this matter was continued to the January 11, 2017 Planning Board meeting at 6pm. Plans were referred to the Town's consulting engineer for review and comment.

- 2. Public Hearing - Request of the Zoning Board of Review for an advisory recommendation on an application for Development Plan Review, KREG, LLC (William & Elizabeth Gill & David Lawrence, owners) for a special use permit to allow proposed development of a 36-unit Senior Independent Living Facility in Zone 1 of the Watershed Protection District pursuant to sections 1106 and 2202 of the Middletown Zoning Ordinance. Property located at 1 Thelma Lane, Plat 111, Lots 14, 23 & 23B.**

By consensus of the Board and with the agreement of the applicant this matter was continued to the January 11, 2017 Planning Board meeting at 6pm. Plans were referred to the Town's consulting engineer for review and comment.

- 3. Approval of the minutes of the November 9, 2016 regular Planning Board meeting and the special meetings of November 22, 2016 and December 1, 2016.**

Motion by Mr. Croce, seconded by Mr. Sullivan, to approve the minutes of the November 9, 2016 regular Planning Board meeting and the special meetings of November 22, 2016 and December 1, 2016. **Vote:** 7-0-0.

4. Correspondence

- Memo from the Town Planner, dated November 10, 2016 regarding approval of Administrative Subdivision – Anson G. & Marilyn J. Stookey, 1215 Green End Ave., Plat 125, Lots 69, 69B
- Memo from the Town Planner, dated November 16, 2016 regarding approval of Administrative Subdivision – Konstantinos & Eleni Moisiades, 62 Wave Ave., Plat 116nw, Lots 2,2a,3

Motion by Mr. Sullivan, seconded by Mr. Ciummo, to receive the correspondence. **Vote:** 7-0-0.

5. Public Hearing - Request of the Zoning Board of Review pursuant to section 305 of the Middletown Zoning Ordinance for Development Plan Review on a petition of Samuels Realty, Co. Inc., to allow construction of an addition to an existing commercial building and associated site work on property located in the limited business traffic sensitive (LBA) and R-20A zoning districts. Property located at 672 Aquidneck Ave., Plat 114, Lots 107C, 107D, 107E, 108.

Motion by Mr. Sullivan, seconded by Mr. Ciummo, to open the public hearing. **Vote:** 7-0-0.

The applicant was represented by attorney Robert Silva. He described the modifications made to the proposed development. The project will not require zoning relief from the Zoning Board of Review, which Mr. Regan confirmed

There was discussion of the transformer pad proposed to be located a portion of the property zoned for residential use. The applicant agreed to relocate the pad to land zoned for business use.

The hearing was opened to the public.

Mr. Wolanski noted letters that had been received from abutters to the project including Lorraine Morse and Mr. & Mrs. Pascoe.

Lorraine Morse, an owner of abutting property, addressed the board expressing concern about the proposed relocation of the property line to incorporate residentially zoned land into the development parcel. She was not opposed to the project otherwise.

There were no other members of the public wishing to speak. The public hearing was closed.

Mr. Nash stated that he is concerned with the proposed lot line change and would prefer that the applicant await the outcome of a proposal to rezone the residential land to limited business.

Mr. Sullivan expressed concern over use of the residential land.

Mr. Croce asked if there are other examples in town of residential land used to support commercial development. Mr. Silva listed examples, including Home Depot and Middletown Self-Storage.

There was discussion of the waivers requested from the commercial development design standards.

Motion by Mr. Croce, seconded by Mr. Ciummo, to approve the application subject to the following conditions and the waivers granted:

1. Prior to permitting, the Town Engineer shall review and approve the final stormwater management plan and calculations.

2. Prior to permitting, the design of the connection to the public sewer system must be reviewed and approved by the Director of Public Works.
3. Dumpsters on the subject property shall not be emptied by the waste hauler between the hours of 10pm and 7am.
4. The proposed relocation of the electric transformer must be to land zoned for limited business (LBA) use, and no structures or other above-ground appurtenances serving the subject commercial use may be located on land zoned for residential use (R-20A).
5. Prior to permitting, an Administrative Subdivision plan depicting the proposed lot line adjustments shown on the approved site plan must be submitted to the Planning Department for approval and must be recorded in the Middletown land evidence records

Waivers granted:

- Section 521.1.B (1) & (2) – Regarding parking lots divided into lots of 50 spaces or less, separated by 10 foot landscaped buffer.
- Section 521.1.E – Regarding dumpsters to be located to provide an audio-visual buffer to minimize impacts on abutting properties.
- Section 521.2.A.2 – Regarding an unbroken plane of a wall exceeding forty feet without a break of at least 48” in plane.
- Section 521.2.B.1 – Regarding requirement for facades visible from public way to be 20%-60% windows.
- Section 521.2.B.2 – Regarding requirement for use of true or simulated divided light windows.
- Section 521.3.C – Regarding screening elements required along all property lines.
- Section 521.3.D.1 – Regarding required minimum 10 foot landscaped buffer along all property lines.
- Section 521.3.D.2 – Regarding the required 20-foot-wide landscaped buffer strip abutting a residential use or district.
- Section 521.3.D.3 – Regarding required 10’ landscaped buffer between building and parking/driveway.
- Section 521.3.F.1 - Regarding the requirement to provide street trees

Vote: 5-2-0, with Mr. Nash and Mr. Sullivan opposed.

6. Public Hearing – Request of the Zoning Board of Review pursuant to section 308 of the Middletown Zoning Ordinance for Development Plan Review on a petition of Middletown Self-Storage, LLC for a special use permit to allow construction of a 20,000 sq.ft. commercial building to be used for self-storage, and associated site work on property located in the limited business traffic sensitive (LBA) and R-20 zoning districts. Property located at 909 Aquidneck Ave., 875 Aquidneck Ave. and 160 Honeyman Ave., Plat 114, Lots 758, 657, 757.

The applicant was represented by attorney Robert Silva, who stated that the plan for the project is undergoing modifications. He requested that the matter be continued to the January Planning Board meeting.

It was noted that once revised plans are submitted a Planning Board site visit would be scheduled.

Motion by Mr. Ciummo, seconded by Mr. Nash to continue the matter to the January 11, 2017 Planning Board meeting at 6pm. **Vote:** 7-0-0.

7. Public Informational Meeting - Request of Maple Ave. Partners, LLC for Master Plan approval of a conservation development pursuant to Zoning Ordinance Article 19, consisting of 17 townhouse-style dwelling units located on property located off Maple Ave. approximately 200 feet to the west of the Maple Ave./Paquin Place intersection, Plat 107SW, Lot 151.

Attorney Mike Miller represented the applicant. He described the proposed development. He noted that the density limitations of the zoning ordinance do not accurately reflect the development potential for the property. The proposal is consistent with surrounding development, particularly in Newport, where the property has road frontage.

The project developer Greg Coe provided a conceptual building elevation for the structures proposed in Middletown. They will be 2-story with 2-3 bedrooms per unit.

There was discussion of the differing density limitations in Newport and Middletown. Newport allows for denser development. The portion of the site in Middletown will be developed at a lower density than the Newport portion, though still denser than allowed.

Mr. Weber noted the current language in the Middletown regulations provides discretion to the Planning Board in determining an appropriate number of units. The language is currently under review for possible amendment.

Mr. Eckhart asked about the proposed building height. Mr. Coe stated that the buildings will comply with zoning height limitations. The design of the buildings on the Middletown and Newport portions of the property will be similar.

There was discussion that the Police Dept. has requested coordination with Newport on the numbering of units in order for first responders to be able to distinguish between the towns. This will be addressed prior to final approval.

Ms. Drayton asked about how the units will be marketed. Matt Hadfield, a real estate broker and partner on the project, stated that the units would be priced in the \$200,000 range to serve the need for moderate income housing.

Mr. Sullivan asked if materials on the site have been tested. Mr. Hadfield stated that they have. Some material has been removed.

Mr. Nash expressed concern over the proposed density. He noted that the Town Planner estimated that a conventional development of the site, based on the R-10 zoning would yield eight units on the Middletown portion of the property. Seventeen units is too much. Properties surrounding the site are not developed at that density.

Mr. Miller called real estate expert Peter Scotti, who testified that the site can adequately accommodate the number of proposed units, and is consistent with surrounding development. Reducing the number of units would make the project financially impractical.

There were no members of the public wishing to speak.

Motion by Mr. Eckhart, seconded by Mr. Sullivan, to make the five required findings and approve the Master Plan subject to the following condition:

1. Prior to consideration of the preliminary plan application the applicant must provide a development impact statement and the required impact review fee of \$100 per proposed dwelling unit (Zoning Ordinance section 310). The Planning Board will engage the town's on-call engineer to assist with review of the preliminary plan submission.

Vote: 5-2-0, with Mr. Nash and Mr. Croce opposed.

8. Public Hearing – Application of Prescott Point Investors, LLC for Development Plan Review for a proposed residential development including a 20-unit multifamily condominium project with a 2,500 sq.ft. clubhouse, and a 48-room residential care/assisted living facility. Property located off West Main Rd., Assessor's Plat 104, Lot 7.

The applicant was represented by attorney Jay Lynch. He introduced developer Christopher Bicho. They described the proposed project.

The applicant's engineer, Lyn Small of Northeast Engineers and Consultants, reviewed the utilities plan and stormwater control and treatment. There was discussion of the Technical Review Committee's recommended condition regarding analysis of the capacity of the culvert under Freedom Trail Dr. Ms. Small confirmed that the culvert capacity will be exceeded by the 100-year storm event, but do to storage it is not believed that the road would be overtopped. There was discussion that additional analysis should be completed prior to permitting.

Mr. Sullivan asked about the condition of the culvert. Ms. Small stated that the culvert has been inspected and is in good condition.

The meeting was opened for public input.

Raymond Morrissett, a resident of 46 Brook Farm Rd. distributed a letter and stated that he is speaking on behalf of other current residents of the development. He expressed concern over the capacity of the culvert, and requested that a sidewalk be added to the plan. Street lighting should also be provided.

Mr. Lynch stated that sidewalks and lighting would be added to the plans.

There was discussion of the need to remove some invasive species and debris for the stream channel to restore flow capacity. Ms. Small stated that a RIDEM permit may be needed.

There being no other members of the public wishing to speak, the public hearing was closed.

Motion by Mr. Sullivan, seconded by Mr. Croce, to forward a positive recommendation to the Zoning Board of Review subject to the following conditions and waivers granted.

1. Prior to issuance of building permits, documentation relative to the condition and capacity of the culvert which carries Freedom Trail Drive over an unnamed stream must be provided to demonstrate that the road will not be overtopped during the 100-year storm event, subject to the review and approval by the Town Engineer.
2. Prior to permitting the stormwater drainage plans and calculations must be reviewed and approved by the Town Engineer.

3. Prior to permitting the applicant must coordinate the design of unit numbering with the Middletown and Portsmouth Police Departments in order to allow first responders to identify the town in which each unit is located.
4. Prior to issuance of the Special Use Permit the plans must be revised to include a sidewalk along one side of “proposed roadway B” and Freedom Trail Drive. Proposed street lighting must also be added to the plans.

Waivers granted:

- Section 521.3.D.2 – The required 20’ wide landscaped buffer has not been provided along the southerly property line. A six-foot-tall cedar fence is proposed to be installed along the property line.
- Section 521.3.D.3 – The required 10’ buffer between the proposed assisted-living building and the parking lot is not provided.
- Section 521.3.F – The required street trees along the south side of the proposed road have not been provided

Vote: 7-0-0.

9. Public Hearing - Application for Development Plan Review by Estate of Nancy L. Miller for proposed development of a 7,000 sq.ft. commercial building and associated site work to serve a fuel oil distribution business (Devaney Energy). Property located at 985 Aquidneck Ave & 1 Trimble Rd., Plat 113, Lots 208 & 300.

Motion by Mr. Ciummo, seconded by Mr. Sullivan, to open the public hearing. **Vote:** 7-0-0.

Attorney Joe Hall represented the applicant. He described the proposal. No zoning relief is needed. He noted that a new engineer was recent brought onto the project, and final revised plans are currently being prepared.

Mr. Weber asked if the site had been remediated to address prior use of the property. Mr. Hall stated that remediation has been completed.

There was discussion of the building and site design and the waivers from the commercial design requirements that are requested.

There being no members of the public wishing to speak the public hearing was closed.

Motion by Mr. Ciummo, seconded by Mr. Nash, to approved the application subject to the following conditions and waivers granted:

1. Prior to permitting, the stormwater management plan and calculations must be reviewed and approved by the Town Engineer.
2. Prior to permitting, the applicant must coordinate the final details of the cutting of pavement along Trimble Road with the DPW director.
3. Prior to permitting the applicant must provide a copy of the RIDOT physical alteration permit, if applicable.
4. Prior to permitting, a revised landscaping plan must be provided for review by the Town Planner to confirm consistency with the plan approved by the Planning Board.

5. Prior to permitting, an Administrative Subdivision plan depicting the merger of the subject lots must be submitted to the Planning Department for approval and must be recorded in the Middletown land evidence records.

Waivers granted:

- Section 521.2.A.2 – The building facades exceed 40’ in length, without a break in plane of at least 48”.
- Section 521.2.A.3 & 4– Commercial garage doors would be visible from public streets, and would not be screened from public view.
- Section 521.2.B.1 – The north and south elevations would not contain the required 20%-60% widow glazing.
- Section 521.2.C – The building would not include the traditional siding materials cited in the regulations. Prefinished fiber cementitious and metal siding is proposed. A metal roof is also proposed.

Vote: 7-0-0.

10. Request of Seascope Holdings LLC and Greg Coe, developer of the Aquidneck Highlands subdivision, Green End Ave., Plat 114, Lot 106, for a reduction in the amount of the performance security held by the town pursuant to section 703.8 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land.

Attorney Mike Miller represented the applicant. He stated that the Town Engineer has approved the requested reduction in performance security.

Motion by Mr. Eckhart, seconded by Mr. Ciummo, to approve reduction of the security to \$74,928.38, and authorize release of the original performance security once the new security is posted in that amount, and in a form acceptable to the town. **Vote:** 7-0-0.

Updates

- **Comprehensive Plan Implementation**

Mr. Wolanski stated that the Town Solicitor has indicated that the draft of the proposed mixed-use zoning ordinance to reflect the passage of State legislation is nearing completion and will be provided for board review shortly.

The subcommittee meeting to review the concept of height and roof pitch as a means to address residential structure bulk met on December 9th. The solicitor is conducting research to assist the board.

The next meeting on Agricultural Business Zoning is scheduled for January 5th.

- **Aquidneck Island Planning Commission.**

Mr. Wolanski stated that he had no updates on AIPC activities.

- **Update on BRAC Navy Surplus Land reuse planning process.**

There were no updates on the transfer of Navy land.

Committee Reports

There were no committee reports.

Motion to adjourn by Mr. Croce, seconded by Ms. Drayton. Vote: 7-0-0.

Meeting adjourned at 9:00 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director